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Attorneys for Defendant Hewlett-Packard Company

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
(SAN JOSE DIVISION)

NORMAND PERRON, and G. DAVID
HATFIELD, on behalf of themselves and all
others similarly situated,

Plaintiffs,
v.

HEWLETT-PACKARD COMPANY, a
Delaware corporation,

Defendant.

CASE NO. C-10-0695-LHK

CLASS ACTION

**STIPULATION AND [~~PROPOSED~~]
ORDER TO STAY LITIGATION**

1 Plaintiffs Norman Perron and G. David Hatfield and Defendant Hewlett-Packard ("HP")
2 hereby stipulate as follows:

3 1. HP re-filed motions to dismiss and stay these proceedings on August 13, 2010
4 (Docket No. 36).

5 2. On September 15, 2010 Judge James Ware of this Court issued an Order
6 (document No. 250) in the *Nvidia GPU litigation*, Case No. 08-04312 which preliminarily
7 approved a settlement. Paragraph 14 of that Order states that "Pending final determination of
8 whether the Settlement should be approved, the Plaintiffs, all Settlement Class Members, and
9 each of them, and anyone who acts or purports to act on their behalf, shall not institute,
10 commence or prosecute any action which asserts Released Claims against any Released Person."
11 On September 23, 2010, HP moved to stay all proceedings in this matter pending a determination
12 whether the *Nvidia* settlement should be finally approved (Doc. No. 38). HP argued, among
13 other things, that Plaintiffs' claims in this matter are "Released Claims" for purposes of Judge
14 Ware's September 15, 2010 preliminary approval order and HP is a "Released Person" for
15 purposes of that order. Plaintiffs agree it is possible that their claims herein fall within the
16 definition of "Released Claims" in the *Nvidia* settlement. Plaintiffs will be filing objections to
17 the *Nvidia* settlement.

18 3. The parties to this case hereby stipulate that all proceedings in this litigation
19 are stayed until 30 days after Judge Ware rules on the upcoming Motion for Final Approval of
20 Settlement in the *Nvidia GPU litigation*.

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4. This Stipulation is entered into without prejudice to either party's right to seek a further stay of this case.

SO STIPULATED.

Dated: October 5, 2010

/s/ Michael F. Ram

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SO ORDERED.

Dated October 7, 2010



Lucy H. Koh
Judge, United States District Court

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EXHIBIT A

I hereby attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/S/) within this efiled document.

Dated: October 5, 2010

/s/ **Michael F. Ram**
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